

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT  
OF NEW YORK**

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In re the Petition of

Civil Action No.

PVS International,  
United Agencies,  
Maghanmal Jethanand  
(General Trading Company)

For Discovery In Aid of a Foreign Proceeding  
Pursuant to 28 U.S.C. § 1782

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**DECLARATION OF J. STEPHEN SIMMS IN SUPPORT  
OF PETITION FOR AN ORDER ALLOWING  
DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Pursuant to 28 U.S.C. § 1746, I, J. Stephen Simms, hereby declare under penalty of perjury that the following is true and correct:

1. I am a Principal of the law firm of Simms Showers LLP, which represents Petitioners PVS International, United Agencies and Maghanmal Jethanand (General Trading Company)(collectively “Petitioners”) in connection with the accompanying Petition. I submit this declaration in support of a Petition for an order to obtain discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

2. Attached as **Exhibit A** to the Petition is a true and correct copy of the Statement of Claim filed in the related foreign proceeding pending in the High Court of the Republic of Singapore (ADM. No. 67 of 2014), *PVS International, et al. v. Lixon Maritime Pte Ltd, et al.* (the “Singapore Action”), which involve claims for loss of cargo resulting from the sinking of a vessel, FU SHENG HAI (the “Vessel”) bound for Busan, Korea.

3. Petitioners seek substantive information regarding the loss of the Vessel and the cargo, which it expects to find in the possession of the hull insurer of the Vessel, People's Insurance Company of China ("PICC"), and HSBC Bank USA, N.A. ("HSBC"). PICC paid out on the hull insurance policy to owners or directors of Lixon Maritime Services Pte Ltd (the owner of the Vessel), who subsequently dissolved that entity and now operate as Lixon Maritime Pte Ltd ("Lixon").

4. HSBC completed the wire transfer of any payments associated with the hull insurance policy to the owners or directors of the Vessel.

5. PICC's office is located at 400 Madison Ave, New York, NY 10017.

6. HSBC's New York office is located at 452 5th Avenue, New York, NY 10018.

7. Herewith is a true and correct copy of a proposed Order, ordering the issuance of a subpoena on HSBC and PICC to compel discovery for use in a foreign tribunal pursuant to 28 U.S.C. § 1782.

8. Herewith also are true and correct copies of proposed subpoenas to be served on HSBC and PICC.

I certify pursuant to 28 U.S.C. Section 1746 that the foregoing is true and correct.

Dated: August 20, 2015

/s/ J. Stephen Simms  
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